

E-6



# HARRISON POLICE DEPARTMENT

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**ANTHONY MARRACCINI**  
*Chief of Police*

September 11, 2012

Honorable Town Board  
Town/Village of Harrison  
Harrison, New York 10528

Honorable Town Board:

I respectfully request Town Board approval to grant New York State peace officer powers to civilian Town Court security personnel. Retired Harrison Police officers Carl Narvesen and Robert Hassett can be granted peace officer powers as "Special Patrolman" pursuant to NYS Criminal Procedure Law 2.10 sub 37 (via General Municipal Law 209 -v). Civilian Harrison Police employee Joseph Mazzullo can be granted peace officer powers pursuant to NYS Criminal Procedure Law 2.10 sub 1, as "Constable" (via Town Board resolution 2010-174, dated April 22, 2010). A Town Board resolution is required to appoint Carl Narvesen and Robert Hassett as Special Patrolmen. The Special Patrolman and Constable positions will be required to carry firearms in the performance of the special duties of Town Court security.

Upon achieving peace officer status, the above mentioned personnel will be issued Harrison Police Department firearms and less lethal equipment; and, they will participate in annual police department firearms, defensive tactics and use of force training. Granting peace officer powers to Town Court security personnel will supplement the law enforcement presence and response while court is in session; and, enhance the physical security of the entire municipal building as well.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Anthony Marraccini".  
Anthony Marraccini  
Chief of Police



42. "Juvenile offender" means (1) a person, thirteen years old who is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 of the penal law, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; and (2) a person fourteen or fifteen years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or defined in the penal law as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law.

43. "Judicial hearing officer" means a person so designated pursuant to provisions of article twenty-two of the judiciary law.

## ARTICLE 2 - PEACE OFFICERS

### Section

2.10 Persons designated as peace officers.

2.15 Federal law enforcement officers; powers.

2.16 Watershed protection and enforcement officers; powers, duties, jurisdiction for arrests.

2.20 Powers of peace officers.

2.30 Training requirements for peace officers.

### §2.10 Persons designated as peace officers.

Notwithstanding the provisions of any general, special or local law or charter to the contrary, only the following persons shall have the powers of, and shall be peace officers:

1. Constables or police constables of a town or village, provided such designation is not inconsistent with local law.
2. The sheriff, undersheriff and deputy sheriffs of New York city and sworn officers of the Westchester county department of public safety services appointed after January thirty-first, nineteen hundred eighty-three to the title of public safety officer and who perform the functions previously performed by a Westchester county deputy sheriff on or prior to such date.
3. Investigators of the office of the state commission of investigation.
4. Employees of the department of taxation and finance designated by the commissioner of taxation and finance as peace officers and assigned by the commissioner of taxation and finance (a) to the enforcement of any of the criminal or seizure and forfeiture provisions of the tax law relating to (i) taxes imposed under or pursuant to the authority of article twelve-A of the tax law and administered by the commissioner, (ii) taxes imposed under or pursuant to the authority of article eighteen of the tax law and administered by the commissioner, (iii) taxes imposed under article twenty of the tax law, or (iv) sales or compensating use taxes relating to petroleum products or cigarettes imposed under article twenty-eight or pursuant to the authority of article twenty-nine of the tax law and administered by the commissioner or

York city police academy, or in the absence of the available training programs from the federal bureau of investigation and the New York city police academy, from another law enforcement agency located in the state of New York, and who has received a firearms permit from the license division of the New York city police department.

34. Waterfront and airport investigators, pursuant to subdivision four of section ninety-nine hundred six of the unconsolidated laws; provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

35. Special investigators appointed by the state board of elections, pursuant to section\* 3-107 of the election law.

36. Investigators appointed by the state liquor authority, pursuant to section fifteen of the alcoholic beverage control law; provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

37. Special patrolmen of a political subdivision, appointed pursuant to section two hundred nine-v of the general municipal law; provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

38. A special investigator of the New York city department of investigation who has received training in firearms handling in the New York police academy and has received a firearms permit from the license division of the New York city police department.

39. Broome county special patrolman, appointed by the Broome county attorney; provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

40. Special officers employed by the city of New York or by the New York city health and hospitals corporation; provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law. The New York city health and hospitals corporation shall employ peace officers appointed pursuant to this subdivision to perform the patrol, investigation, and maintenance of the peace duties of special officer, senior special officer and hospital security officer, provided however that nothing in this subdivision shall prohibit managerial, supervisory, or state licensed or certified professional employees of the corporation from performing such duties where they are incidental to their usual duties, or shall prohibit police officers employed by the city of New York from performing these duties.

41. Fire police squads organized pursuant to section two hundred nine-c of the general municipal law, at such times as the fire department, fire company or an emergency rescue and first aid squad of the fire department or fire company are on duty, or when, on orders of the chief of the fire department or fire company of which they are members, they are separately engaged in response to a call for assistance pursuant to the provisions of section two hundred nine of the general municipal law; provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

*\*(So in original.)*



"Canning, Thomas (DCJS)"  
<Thomas.Canning@dcjs.ny.gov>

04/02/2012 02:24 PM

To "Miller, Michael (DCJS)" <Michael.Miller@dcjs.ny.gov>

cc "vcastellano@harrison-ny.gov"  
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bcc

Subject Request for Information

Mike,

Lt. Castellano from Harrison Town Police Department asked for some information.

Courthouse - was staffed by the PD. They are exploring other possibilities. Asked about security guard training and how/who could do it. We covered that. He has two retired police officers. I mentioned 2.10 Sub 37 and promised the Lt. you would provide additional insight as far as how doable it is and the process should his superiors wish to know.

Thanks

GENERAL MUNICIPAL LAW  
ARTICLE 10. FIREMEN AND POLICEMEN

**§ 209-v. Employment of retired persons as special patrolmen for publicly owned property**

1. Notwithstanding any general, local or special law or charter provision, the governing board of any political subdivision may authorize any police or law enforcement agency of such political subdivision to employ retired former members of police or sheriff's departments, or the division of state police, or retired former correction, parole or probation officers for the purpose of providing special patrolmen in publicly owned property within such political subdivision, including property of a school district, in order to protect the property or persons on such premises.

2. Persons so employed shall have all the powers of peace officers, as set forth in *section 2.20 of the criminal procedure law*, when performing the duties set forth in subdivision one of this section.

3. The governing board of such political subdivision shall have the power to fix the compensation of persons so employed, either at annual or per diem rates. Employments provided for in this section shall be subject to the provisions of article seven of the retirement and social security law.

Thomas P. Canning  
NYS Division of Criminal Justice Services  
Office of Public Safety  
Associate Training Technician (Police)  
4 Tower Place  
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April 22, 2010

2010 -- 174

APPROVAL TO APPOINT JOSEPH MAZZULLO TO  
THE POSITION OF CONSTABLE

On motion of Councilman Vetere, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the appointment of Joseph Mazzullo to the position of Constable, subject to the assignment of duties of the Police Department, at no additional compensation, effective April 23, 2010.

FURTHER RESOLVED to forward a copy this Resolution to the Comptroller, the Personnel Manager, the Law Department and the Chief of Police.

Adopted by the following vote:

AYES: Councilpersons Cannella, Vetere, Sciliano and Amelio  
Supervisor Walsh

NAYS: None

ABSENT: None

I hereby certify that this is a true and  
correct copy of same on file in our office.

*Joseph J. Francis, Deputy*  
Town Clerk, Harrison, New York